

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:11 cv 201**

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|--|---|---------------------|
| MELVIN J. MOORE, JR. and MELVIN MOORE, JR. AS EXECUTOR OF THE ESTATE OF BARBARA P. MOORE, |) | |
| |) | |
| |) | |
| Plaintiffs |) | |
| |) | <u>ORDER</u> |
| v |) | |
| |) | |
| STATE FARM INSURANCE COMPANY |) | |
| T/D/B/A STATE FARM FIRE AND CASUALTY COMPANY, |) | |
| |) | |
| Defendant. |) | |

THE DEFENDANT has filed the following motions:

1. Defendant's Motion to Amend (#43);
2. Defendant's Motion to Exclude Evidence and Witnesses Listed in Plaintiffs' Pretrial Disclosures, Pursuant to Rule 37(c) (#45);
3. Defendant's Rule 12(C) Motion for Partial Judgment on the Pleadings (#47);
4. Defendant's Motion in Limine to Bifurcate the Claim for Breach of Contract From the Claims for Unfair and Deceptive Trade Practices and Bad Faith Claims (#49);

5. Defendant's Motion in Limine to Exclude Any Evidence of Damages Other Than Those Occurring on June 8, 2008 (#50);
6. Defendant's Motion in Limine to Exclude Hearsay Testimony (#51);
7. Defendant's Motion in Limine to Exclude Any Evidence Regarding Loss of Value to Plaintiffs' Property Due to Failure to Mitigate Damages (#52);
8. Defendant's Motion in Limine to Exclude Plaintiffs From Offering Any Expert Opinion Testimony (#53).

Pursuant to LCvR 7.1(E), the Plaintiffs would be allowed fourteen (14) days from the date upon which the motion was served to file a written response to the motion. The trial in this matter is set for April 8, 2013 and the pretrial conference in this matter has been scheduled for April 1, 2013. As a result of these time constraints should the Plaintiffs desire to respond to the motions the timing for such responses must be modified to give the undersigned time to review the motions and responses, if any. As a result the Plaintiffs will be required to respond to the motions on or before March 28, 2013 should the Plaintiffs wish to respond. At the time of the pretrial conference, the Court will allow both the Defendant and the Plaintiffs to be heard in regard to each one of the above set forth motions of Defendant.

ORDER

IT IS, THEREFORE, ORDERED that should Plaintiffs desire to respond

to the motions of Defendant as set forth above, Plaintiffs will be allowed up to and including **March 28, 2013** to file a written response to the motions and the motions will be heard on **April 1, 2013** at the time of the setting of the pretrial conference in this matter which is at **2:00 o'clock p.m.** in courtroom #2 of the United States Courthouse in Asheville, North Carolina.

Signed: March 22, 2013

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

